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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,771	07/22/2002	Yoichiro Sako	SONYJP 3.3-812	2616
530 7590 04/14/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER HOFFMAN, BRANDON S				
ART UNIT		PAPER NUMBER		
2436				
MAIL DATE		DELIVERY MODE		
04/14/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/089,771

**Applicant(s)**

SAKO ET AL.

**Examiner**

BRANDON S. HOFFMAN

**Art Unit**

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-56 are pending in this office action.
2. Applicant's arguments, filed January 9, 2009, have been considered but are moot in view of the new ground of rejection.

***Claim Rejections***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

4. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Kienzle et al. (U.S. Patent No. 7,039,189).

Regarding claim 1, Kienzle et al. teaches a recording medium in which second data, in which content concealment data for concealing content data are buried, **are** recorded at a position where reproduction is conducted prior to first data including **the** content data **when the first data are reproduced, wherein the content data in the** first data **recorded on the medium are outputtable at least one of visibly or audibly only subsequently to outputting of the second data, which has been reproduced**

**from the medium, at least one of visibly or audibly** (fig. 1, ref. num 200 and 300, and fig. 2, C before S).

Regarding claims 2, 7, 12, 19, 35, 41, and 53, Kienzle et al. teaches wherein the second data is at least one advertisement data (fig. 1, ref. num 300).

Regarding claims 3, 13, 36, and 42, Kienzle et al. teaches wherein the second data consists of plural advertisement data, and the contents concealment data are buried into the plural advertisement data in a distributed manner (fig. 2).

Regarding claim 4, Kienzle et al. teaches wherein the second data consists of plural advertisement data, encipherment processing are respectively implemented to the plural advertisement data and key data for decoding encipherment processing implemented to one unit of advertisement data of remaining advertisement data buried in a predetermined unit of **the plurality of units of** advertisement data, and the content concealment data are buried in **a unit of** advertisement data last reproduced of the **plurality of unit** advertisement data (col. 5, lines 57-62).

Regarding claims 5, 14, 37, and 56, Kienzle et al. teaches wherein the contents concealment data is buried during blanking period of the second data (col. 5, lines 50-57).

Regarding claim 6, Kienzle et al. teaches a recording medium in which first data and second data are recorded, the second data is recorded at a position where read-out operation **of the second data** is conducted prior to the first data in reproducing the first data, and the first data are recorded after encipherment processing is performed by using data extracted from the second data, **wherein the first data recorded on the medium are outputtable at least one of visibly or audibly only subsequent to outputting of the second data, which has been read-out from the medium, at least one of visibly or audibly** (fig. 1, ref. num 200 and 300, fig. 2, and col. 5, lines 57-62).

Regarding claims 8, 20, and 43, Kienzle et al. teaches wherein the data extracted from the second data is predetermined line data of a predetermined frame of the advertisement data (fig. 2, ref. num 602).

Regarding claims 9 and 21, Kienzle et al. teaches wherein the data extracted from the second data is data of a predetermined frame of the advertisement data (fig. 2, ref. num 602).

Regarding claims 10, 23, and 33, Kienzle et al. teaches a recording method for a recording medium comprising steps of:

- Burying contents concealment data for concealing first data consisting of contents data into delivered second data (fig. 1, ref. num 110);

- Implementing concealment processing to the first data by using the contents concealment data (fig. 1, ref. num 120); and
- Implementing encode processing to the second data in which the contents concealment data is buried and the contents data to which the concealment processing has been implemented to record the data thus processed onto the recording medium, **wherein the content data in the processed data on the recording medium are outputtable at least one of visibly or audibly only subsequently to outputting of the second data, which has been reproduced from the processed data of the recording medium, at least one of visibly or audibly** (fig. 1, ref. num 200 and 300, and fig. 2).

Regarding claims 11, 18, 34, and 40, Kienzle et al. teaches wherein the method includes steps of multiplexing the second data in which the contents concealment data is buried and the contents data to which the concealment processing has been implemented, and implementing the encode processing to the multiplexed data (fig. 1, ref. num 120).

Regarding claims 15 and 38, Kienzle et al. teaches wherein the method further includes steps of implementing compression processing to respective ones of the first data and the second data in which the contents concealment data is buried, and implementing the concealment processing to the first and second data to which the compression processing has been implemented (fig. 1, ref. num 120).

Regarding claims 16 and 22, Kienzle et al. teaches wherein the second data in which the contents concealment data is buried is recorded at a position on the recording medium where read-out operation is carried out prior to the first data (col. 1, lines 9-14).

Regarding claims 17 and 39, Kienzle et al. teaches a recording method for a recording medium comprising steps of:

- Implementing encipherment processing to first data consisting of contents data by using data extracted from delivered second data (fig. 1, ref. num 115); and
- Implementing encode processing to the second data and the first data to which the encipherment processing has been implemented to record the data thus processed onto the recording medium, **wherein the content data in the processed data on the recording medium are outputtable at least one of visibly or audibly only subsequently to outputting of the second data, which has been reproduced from the processed data on the recording medium, at least one of visibly or audibly** (fig. 1, ref. num 200, 300, 110, and fig. 2).

Regarding claim 24, Kienzle et al. teaches wherein the plural second data respectively consist of advertisement data, and the method includes steps of generating contents concealment data by using the plural cipher key data which have been read out from the plural advertisement data, and implementing concealment processing to

the first data on the basis of the generated contents concealment data (col. 5, lines 57-62).

Regarding claim 25, Kienzle et al. teaches wherein the plural second data respectively consist of advertisement data, and the method includes a step of implementing concealment processing to plural respective areas of the first data by using the plural cipher key data which have been read out from the plural advertisement data (col. 5, lines 57-62).

Regarding claims 26, 30, 44, 49, and 52, Kienzle et al. teaches a reproducing method for a recording medium comprising steps of:

- Extracting contents concealment data for concealing contents data from second data which has been read out from a recording medium adapted so that the second data, in which the contents concealment data is buried, is recorded at a position where reproduction is carried out prior to first data consisting of contents data in reproducing the first data (fig. 5, ref. num 902, 904, and 906);
- Decoding cipher implemented to the first data which has been read out from the recording medium by using the extracted contents concealment data (fig. 5, ref. num 916); and
- Outputting the **second data at least one of audibly or visibly before outputting the decoded first data at least one of audibly or visibly** (fig. 5, ref. num 920).



Regarding claims 27, 45, and 54, Kienzle et al. teaches wherein the method comprises steps of temporarily taking the second data which has been read out from the recording medium into a buffer memory, and extracting the contents concealment data from the second data which has been taken into the buffer memory (col. 4, lines 10-17).

Regarding claims 28, 31, 47, and 50, Kienzle et al. teaches wherein in any one of the case where the second data fails to be read out from the recording medium and the case where the contents concealment data fails to be extracted from the second data, reproduction of the first data is stopped (col. 6, line 64 through col. 7, line 5).

Regarding claims 29, 32, 46, 48, and 51, Kienzle et al. teaches wherein, when the second data undergo special reproduction **such that the second data cannot be audibly or visibly output in a predetermined manner**, cryptanalysis processing of the first data is stopped (col. 6, line 64 through col. 7, line 5).

Regarding claim 55, Kienzle et al. teaches wherein the method includes a step of discriminating whether or not cryptanalysis processing is required for the first data which has been read out from the recording medium when the contents concealment data fails to be extracted from the second data, whereby when it is discriminated that the cryptanalysis processing is required, warning display is carried out (col. 6, line 64 through col. 7, line 5).

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON S. HOFFMAN whose telephone number is (571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/  
Primary Examiner, Art Unit 2436